

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

X CASE NO. 19-13576-scc

S.L.B. Essex Family Limited Partnership,

CHAPTER 11

Debtor.

X

**DECLARATION OF KYLE RAMEY IN SUPPORT OF CITIMORTGAGE'S MOTION  
TO DISMISS, OR IN THE ALTERNATIVE RELIEF FROM STAY,  
AND FOR IN REM RELIEF**

I, Kyle Ramey, declare as follows:

1. I am authorized to sign this declaration as a Vice President, Recovery Senior Analyst by CitiMortgage, Inc. CitiMortgage is the holder of a note executed by Sidney I. Berger and Lauren Irma Yeterian Berger, and a mortgage executed by Mrs. Berger, on June 1, 2006, in the principal amount of \$2,500,000.00, and secured by the property located at 160 Central Park South, Units 1101 & 1162, New York, NY 10019 (**Loan**).

2. I have knowledge of the facts contained in this declaration by virtue of my position at CitiMortgage, my familiarity with CitiMortgage practices and procedures, and based upon my review and analysis of the relevant business records and other documents of CitiMortgage referenced and attached herein. More particularly, I am familiar with the systems of record that CitiMortgage uses to maintain, record, and create information related to the residential mortgage loans that it services. For the loans it services, CitiMortgage typically maintains a hard-copy file of certain loan documents, an electronic file of imaged loan documents and letters, and electronic records for transactions, payments, communications, escrow account activity, disbursements, events, documents, instruments, and analyses (**Loan Records**).

3. It is CitiMortgage's custom and practice that entries created in those systems of record relating to activity on customer accounts, customer payments, principal, interest, fees and other charges, as well as any communications with the borrower, or correspondence sent to the borrower, are made at or near the time of the transaction by people with firsthand knowledge of the transactions or from information provided by people with such first-hand knowledge. It is also CitiMortgage's custom and practice that these records are maintained in the regular course of CitiMortgage's business as a loan servicer. It is the regular practice of CitiMortgage to make such records and rely on those records in the ordinary course of its business.

4. I am familiar with and have access to Loan Records for the Loan, which I have reviewed to verify the accuracy of this declaration.

5. The Bergers executed a note, dated June 1, 2006, in which they promised to pay a sum of \$2,500,000.00 to CitiMortgage. A true copy of the note is attached as **Exhibit 1**.

6. As security for the payment of the note Mrs. Berger executed two cross-collateralized mortgages in favor of CitiMortgage in the total amount of \$2,500,000.00, of which \$2,222,500.00 is secured by 160 Central Park South, and the remainder secured by a property the Bergers once owned located at 49 Seaview Avenue, New Rochelle, NY 10801. The 160 Central Park South mortgage was recorded on September 8, 2006, at CRFN 2006000508468 in the Office of the City Register of the City of New York, and the 49 Seaview mortgage was recorded on February 15, 2007, at control number 470260579 in the Office of the Westchester County Clerk. True copies of both mortgages are attached as **Exhibit 2**.

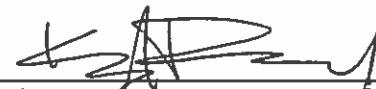
7. The Bergers defaulted on the loan and are currently due for the February 1, 2012 payment, and all payments thereafter. As of November 30, 2019, the total amount owing on the Loan is \$4,037,665.84, including \$2,500,000.00 in unpaid principal, \$1,236,544.82 in interest,

\$279,419.69 in escrow, and \$21,701.33 in fees and charges. To protect its security interest in 160 Central Park South, CitiMortgage, and its servicer, Cenlar FSB, will be required to make further advances for property taxes, insurance, and related matters.

8. According to an appraisal dated December 20, 2017, a copy of which is attached as **Exhibit 3**, the value of 160 Central Park South is \$4,400,000.00.

9. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct based on personal knowledge of the movant's books and business records.

EXECUTED AT O'FALLON, MISSOURI  
ON THIS 10<sup>th</sup> DAY OF March, 2020



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NAME: Kyle Ramey

TITLE: Vice President, Recovery Senior Analyst

MOVANT: CitiMortgage, Inc.

STREET ADDRESS: 1000 Technology Drive

CITY, STATE AND ZIP CODE: O'Fallon, Missouri 63368